

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NAJEEB RAHMAN,

Defendant.

2:08-cr-126-RLH-PAL

ORDER

(Motion for Certificate of Appealability-#172)

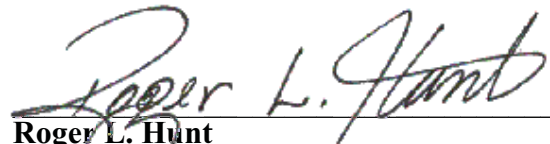
On June 15, 2012, Defendant Rahman filed a Notice of Appeal (#167) regarding this Court's Order (#165) denying his Motion to Vacate pursuant to §2255 (#155). On July 6, 2012, the Court of Appeals gave notice (#171) that a briefing schedule would not be set until the District Court determined whether a certificate of appealability should issue. On July 10, 2012, Rahman filed a Motion for Certificate of Appealability (#172).

Defendant Rahman's appeal is frivolous. He has failed to make a substantial showing of the denial of a constitutional right and reasonable jurists would not find his claims debatable or the Court's denial of his §2255 motion wrong.

His counsel was given several continuances to provide ample time to prepare for sentencing. Rahman knowingly waived his right to appeal and this Circuit has already held that this waiver extends to this Court's denial of his motion to withdraw his guilty plea. He cannot show sufficient cause or prejudice for his failure to raise any issues on appeal.

1 IT IS THEREFORE ORDERED that Rahman's Motion for Certificate of
2 Appealability (#172) is denied.

3 Dated: July 19, 2012.

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6 **Roger L. Hunt**
7 **United States District Judge**
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